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THE AMISTAD CASE.

MEN NOT RECOGNISED AS PROPERTY BY THE CONSTITUTION.

SPEECH

OF

HON. DE WITT C. LEACH, OF MICHIGAN.

Delivered in the House of Representatives, January 27, 1858.

Mr. Chairman : It is the unquestioned right of the sovereign people to understand fully, in all its bearings, whatever is recommended to the favorable consideration of Congress by the Chief Magistrate of the nation. And, sir, it is evidently our duty, as Representatives of the people, to investigate thoroughly all matters that have thus received the Executive sanction; to receive, approve, and adopt, what is just and expedient; and to expose and reject what is unjust or inexpedient. This is not simply our privilege—not a matter optional with us, to be done or left undone, but an imperative duty, a faithful performance of which our constituents have a right to expect at our hands. Hence, I rejoice at the entire freedom with which the annual message of the President is examined and criticised, both in this Hall and in the other wing of the Capitol. It is necessary, highly necessary, and eminently proper, that this should be done. These annual repetitions of a close and searching examination of that important document are essential to the highest usefulness, the purity and permanence of our system of government. A fearless and manly exercise of this inalienable and constitutionally guaranteed right of freedom of discussion, cannot be neglected or surrendered without imperilling all that we, as American citizens, most sacredly cherish.

I am aware, sir, that discussions on these occasions are sometimes deemed unnecessarily severe on the Executive; but it must be remembered, that when a man assumes the direction of the affairs of this great nation, he voluntarily makes himself the servant of many millions of freemen; each of whom has a right to know how he discharges his duties, and to proclaim his approval or declare his disapprobation, in such terms as he may deem most appropriate. And it should be further remembered, that ordinary men only are reached by ordinary means. Those in high places, who have power and patronage in their hands, may commit with im-

punity deeds which would be regarded as infamous, if perpetrated by the untitled and the weak. Hence, a more thorough exposure, a more emphatic and severe condemnation, become necessary, when men in high places make serious mistakes or commit great crimes.

The people, sir, have a high regard for the Presidential office, and, when worthily filled, for the President himself. But they do not always receive with confidence, and unreservedly adopt, the opinions of him who many happen to bear the honored title; for since the fathers of the Republic fell asleep, they have learned, by sad experience, how often and how far even a President may stray from the landmarks of Freedom. Often has been verified to them the truth of Jefferson's declaration, that "eternal vigilance is the price of Liberty;" and they have learned to know that the higher the sphere in which a public functionary moves, the greater the necessity for closely scrutinizing his acts, and cautiously weighing his recommendations. No man's opinion, in matters of moment, is to be taken upon trust; and least of all that of a public officer, on matters of grave political import. And the subject, becomes of the first importance, and demands cautious, wise, and decided action, when that opinion bears directly or indirectly on the freedom of any part of the great family of man, or when it tends toward the establishment of rules that are liable to be construed as favorable to Slavery, or as hostile to any of those "inalienable rights" which are the birthright of every member of the human race.

Hence, sir, I have a few remarks to offer upon what the President has been pleased to recommend, relative to the Africans liberated from the Spanish ship *Amistad*, by the authorities of the United States, some eighteen years ago. I choose to speak upon this part of the message, rather than that other and more important portion which treats of "popular sovereignty" and African Slavery in Kansas, for the rea-

son that in both branches of Congress that subject has already been ably discussed, and other gentlemen around me, I am sure, will pursue it still further, until the unparalleled iniquities practiced upon the freemen of that unhappy Territory shall be exposed to the view of an indignant and outraged people. At the same time, I am anxious that every word the President has uttered in his message, at the behest and for the interests of Slavery, should receive due attention; for I am confident in the belief that there are multitudes in the free States who supported him for the office he now holds, that did not do it designedly for the benefit of Slavery, and that will repudiate with scorn his efforts in its behalf, and henceforth give their influence and their votes to men whose lives are a sufficient pledge that they will ever be found true to the cause of Freedom. Hence, I pay my respects to that portion of the message which relates to the Amistad Africans.

This subject has been at least twice before brought to the attention of Congress; once by President Polk, and once by the immediate predecessor of the present incumbent. Yet Congress has not hitherto deemed it worthy of serious consideration; and I trust, that since the matter has slept so long and so quietly, it will not now meet with favor at the hands of this body. And I am not without confidence that it will be permitted to sleep on; or that, if brought into the House, it will meet the fate it so eminently deserves, and be indignantly rejected by an expression so emphatic that neither the present incumbent of the Presidential office, nor any of his successors, will ever again venture to intrude it upon the attention of Congress. Sure I am, if gentlemen will but give the subject the attention it deserves, they can arrive at no other conclusion than that it has no business here.

But let us hear what the Executive says relative to this matter. I quote entire his remarks touching our relations with Spain:

"I regret to say that no progress whatever has been made, since the adjournment of Congress, toward the settlement of any of the numerous claims of our citizens against the Spanish Government. Besides, the outrage committed on our flag by the Spanish war frigate *Ferrolana* on the high seas, off the coast of Cuba, in March, 1855, by firing into the American mail steamer *El Dorado*, and detaining and searching her, remains unacknowledged and unredressed. The general tone and temper of the Spanish Government towards that of the United States are much to be regretted. Our present Envoy Extraordinary and Minister Plenipotentiary to Madrid has asked to be recalled; and it is my purpose to send out a new Minister to Spain, with special instructions on all questions pending between the two Governments, and with a determination to have them speedily and amicably adjusted, if this be possible. In the mean time, whenever our Minister urges the just claims of our citizens on the notice of the Spanish Government, he is met with the objection that Congress have never made the appropriation recommended by President Polk, in his annual message of December, 1847, 'to be paid to the Spanish Government, for the purpose of distribution among the claimants in the Amistad case.' A similar recommendation was made by my immediate predecessor, in his message of December, 1853; and entirely concurring with both in the opinion that this indemnity is justly due under the treaty

with Spain of the 27th October, 1795. I earnestly recommend such an appropriation to the favorable consideration of Congress."

So, if the President is correct, our Minister at the Court of Spain is unsuccessful in pressing the "just claims of our citizens," partly because of the neglect of this Government to pay for the Amistad Africans. And to remove this difficulty, to put that kingdom in better "tone and temper," the President "earnestly recommends an appropriation to the favorable consideration of Congress."

Now, sir, for one, I shall not vote for an appropriation to put Spain, or any other Power, in better "tone and temper" towards our own Government. If our citizens have just claims against the Spanish Government, we are abundantly able to see that ample justice is done them. Shall we bribe Spain, or any other Power, to deal fairly by our citizens? Shall we pay her a price for rendering to our people what is equitably theirs? Shall we purchase justice at the hands of any Government on earth? As an American citizen, sir, I say no, never!

If Spain is justly indebted to the citizens of this Republic, let their demands be properly presented, with the requisite proof, and it is more than probable they will be recognised and paid. But if they are not—if they are rejected—then let her, as we would let Mexico or Central America, know, under similar circumstances, that justice must be done, without evasion, equivocation, or delay. Sir, we are not, I trust, so pitifully weak and so despicably mean as to be compelled to pay a price for the privilege of fair dealing with foreign Powers. As we grant justice to others, so we should require it at their hands; and it is not idle boasting to say that, if we firmly demand it, we shall speedily receive it.

How different is the language of the President from that used by Jackson relative to another European nation, whose power is far more formidable than that of Spain. But this is not surprising—not at all; for "progress"—the Democratic "progress" of the last twenty years, of which we hear so much—has played strange pranks with American parties and politics, and wrought marvellous changes in the opinions and character of American Presidents and judges!

But, sir, if it is really desirable, as I doubt not it is, to improve the "tone and temper" of the Spanish Government and the Spanish people towards the American Republic, I can suggest a remedy, easy of application, that will accomplish all the most earnest friend of peace could wish; and that, too, without drawing upon the almost empty vaults of the Federal Treasury.

Sir, let us convince our transatlantic neighbor that we are not a nation of pirates. Let us prove to her that we respect and will observe and enforce the laws of nations. Let us

give her to understand that the sacred rights of property shall not be violated; that neither the strong arm of the Government, nor the bloody hand of the filibuster, shall wrest from her, or attempt to wrest from her, the beautiful and fertile islands over which she rules in this western hemisphere. Let us repudiate the false doctrine, which has found too many supporters in high places, that those islands are ours of right, are necessary to our safety, and must be secured, at whatever cost of blood or treasure.

Why, sir, so bold and reckless, so lawless and rampant, has this filibustering spirit become, that it casts off all restraint, overleaps all barriers, and here, in these council halls of the Republic, openly declares in favor of "national grand larceny." Said the gentleman from New York, [Mr. HASKIN,] the other day—

"I beg the gentlemen of the South not to believe that I am in the least tainted with any sickly sentimentality on the subject of filibusterism. I am a national filibuster, but am against individual filibusterism, which retards the consummation of my desire with regard to Central American and other territories which we ought to have. I believe that the time has come when the application of the doctrines promulgated by the Ostend manifesto is necessary for the protection and preservation of our Pacific possessions and the continuance of our commercial rights in that quarter." * * *

"I am for the nation seizing upon Cuba, and, for that purpose, suspending the neutrality law. I am a national filibuster, and will go with the gentleman from South Carolina to that extent. And let me say that Northern Democrats are right on the subject. They believe that they have come by this feeling naturally from their mother country, the county which gave to the South her Cavaliers, and to the North a great many of her Puritans and Round-heads. We Northern Democrats believe that the Government should, by conquest, do certain things; but that this business of Walker was committing petty larceny. We Northern Democrats are rather in favor of national grand larceny."

There, sir, is what I suppose we may properly term the last revised creed of the national filibusters. That is filibusterism gone to seed! That is modern, progressive Pro-Slavery Democracy run mad! That is piracy reduced to system; robbery made respectable; the old tyrannic principle, that "might makes right," republicanized and held up for the younger members of the Democratic family to study, and for the older ones to swear by! It is the same dogma that has been in the mouths of tyrants from the earliest history of our race till the present moment; the same that has kept nine-tenths of mankind in slavery; that has filled the world with chains and wretchedness and woe, and spread darkness more fearful than that of midnight over the greater part of man's earthly heritage!

Sir, if we would put the Government and people of Spain in better "tone and temper" towards this Republic, we can very readily do it by repudiating all such unfounded dogmas, and by showing, both by our words and our acts, that we still have regard for the rights of nations and for international law. Said the Father of his Country, in his Farewell Address:

"Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and mo-

rality enjoin this conduct, and can it be that good policy does not equally enjoin it?"

How worthy these words of their distinguished author! Well will it be for us, and for those that are to come after us, if we give heed to this sage advice, and by every proper means seek to "cultivate peace and harmony with all nations." Let us do this in good faith, and that feeling of amity and good will that so long existed between the two nations will be at once restored. The "tone and temper" of the Spanish nation towards this Republic will be changed, and all our minor difficulties can be readily and amicably adjusted.

But now, sir, let us come to the real merits of the Amistad case. The President avers his belief that this indemnity is justly due under the treaty with Spain of the 27th October, 1795." The ninth article of the treaty is the one mainly relied on by the advocates of this indemnity, as it was by the pretended owners of the Amistad negroes at the time the cause was tried in the United States courts. That article provides:

"That all ships and merchandise, of what nature soever, which shall be rescued out of the hands of pirates or robbers on the high seas, shall be brought into some port of either State, and shall be delivered to the custody of the officers of that port, in order to be taken care of and restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof."

Mr. Justice Story well said, in delivering the opinion of the court:

"To bring the case within the article, it is essential to establish: First, that these negroes, under all the circumstances, fall within the description of merchandise in the sense of the treaty. Secondly, that there has been a rescue of them on the high seas out of the hands of the pirate and robbers. And, thirdly, that Ruiz and Montez, the asserted proprietors, are the true proprietors, and have established their title by competent proof."

First, then, do these negroes fall within the description of merchandise in the sense of the treaty? It appeared in evidence before the court, that "they were natives of Africa, and were kidnapped there, and were unlawfully transported to Cuba, in violation of the laws and treaties of Spain, and the most solemn edicts and declarations of that Government." Spain, by treaty with Great Britain, had abolished the slave trade as early as 1820; and had directed that every negro introduced into her colonies, in violation of the treaty, should be declared free in the first port at which he should arrive. Again, in 1835, another treaty was made between Great Britain and Spain, for the avowed purpose of "rendering the means taken for abolishing the inhuman traffic in slaves more effective." In the last treaty it is said: "The slave trade is again declared, on the part of Spain, to be, henceforward, *totally and finally* abolished, in all parts of the world." And still later, by royal ordinance, on the 2d of November, 1838, the authorities of Cuba were stimulated to renewed efforts to suppress the "inhuman traffic."

Such, in brief, were the laws and treaties of Spain, when, in 1839, these negroes were stolen

by pirates—pirates by the laws of our own country, and worse than pirates by the laws of God—and unlawfully carried to the island of Cuba. A few days later, while being conveyed by the Amistad to another part of the island, they rose on their oppressors, achieved their independence, and some two months afterward were captured by a United States vessel on the Long Island coast. They had never been reduced to Slavery. They were free by the laws of Spain; free by the laws of nations; and free, as they ever had been, by the eternal, impartial, and unchanging laws of Heaven. They were, as they ever had been, in that condition in which a very respectable and venerable public document declares that “all men are created;” they were “free,” and there was no law in the Spanish dominions or in the United States by which they could be reduced to Slavery.”

But, sir, I go further than this, and assert that if these Amistad Africans had been slaves by the laws of Spain, the treaty-making power of this nation had no authority to surrender them as “merchandise.” It had no constitutional right to treat them as “merchandise,” in any manner whatsoever.

Whence does the treaty-making power derive its authority? Of course, from the second paragraph of section two of the second article of the Constitution. It is true, the language there used is indefinite; and were it not for other parts of the instrument, the President and Senate would scarcely have any bounds set to their authority as a treaty-making power. But all parts of the Constitution must be harmoniously construed; and inasmuch as it nowhere speaks of men as “merchandise,” nowhere speaks of them as property, nowhere even speaks of them as slaves, it is doing violence to language, and outraging the rights of the people, to assume that it sanctions the idea that men are or can be property. Indeed, the tenor of the whole instrument is unequivocally and emphatically Anti-Slavery. It was “ordained and established” by “the people of the United States,” to secure, among other things, “the blessings of liberty to themselves and their posterity.” It was to secure those “inalienable rights of life, liberty, and the pursuit of happiness,” in defence of which they had recently parted so freely with their blood and treasure. They had just emancipated themselves from British thralldom; they had just declared to the world, in the most solemn manner, their unqualified belief “that all men are created equal;” they had at divers times and places expressed in strong terms their disapprobation of the slave trade, and, in not a few instances, their anxiety to secure the freedom of the whole people. I might quote, almost without number, instances in which Southern men in revolutionary days, in eloquent terms, condemned the African slave trade—that very traffic, by virtue of which the President now calls upon us to make this appropriation. But

I will not, on this point, detain the Committee, as these facts are notorious. Yet I cannot resist the temptation to show, from the record, what the statesmen of Virginia and of Georgia thought of chattel Slavery in the “times that tried men’s souls.” Listen to the patriotic voice of Virginia:

“At a very full meeting of delegates from the different counties in the colony and dominion of Virginia, begun in Williamsburg, the first day of August, in the year of our Lord 1774, and continued by several adjournments, to Saturday, the 6th of the same month, the following association was unanimously resolved upon and agreed to:” * * *

“2d. We will neither ourselves import nor purchase any slave or slaves imported by any other person, after the first day of November next, either from Africa, the West Indies, or any other place.” * * *

“For the most trifling reasons, and sometimes for no conceivable reason at all, his Majesty has rejected laws of the most salutary tendency. The abolition of domestic Slavery is the greatest object of desire in these colonies, where it was unhappily introduced in their infant state. But, previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa. Yet our repeated attempts to effect this by prohibitions, and by imposing duties which amount to a prohibition, have been hitherto defeated by his Majesty’s negative; thus preferring the immediate advantages of a few African corsairs, to the lasting interests of the American States, and to the rights of human nature, deeply wounded by this infamous practice.”—See American Archives, Fourth series, vol. 1, pages 636 to 690.

Hear, too, what the good people of Georgia said of the “unnatural practice of Slavery:”

Darien (Georgia) Resolutions.

“IN THE DARIEN COMMITTEE,
Thursday, January 12, 1775.

“5. To show the world that we are not influenced by any contracted or interested motives, but a general philanthropy for all mankind, of whatever climate, language, or complexion, we hereby declare our disapprobation and abhorrence of the unnatural practice of Slavery in America, (however the uncultivated state of our country, or other specious arguments, may plead for it), a practice founded in injustice and cruelty, and highly dangerous to our liberties, as well as lives, debasing part of our fellow-creatures below men, and corrupting the virtue and morals of the rest; and which is laying the basis of that liberty we contend for (and which we pray the Almighty to continue to the latest posterity) upon a wrong foundation: We therefore resolve, at all times, to use our utmost endeavors for the manumission of our slaves in this colony, upon the most safe and equitable footing for the masters and themselves.”—Page 1130.

Such, sir, was even Georgia Democracy in 1775. What is Georgia Democracy to-day. Said a member from that State, [Mr. GARTRELL,] but a day or two since—and he said it, too, in the sacred name of Democracy—

“I hold that the institution of domestic Slavery in the South is right, both in principle and practice; that it has ever been, and still is, a blessing to the African race; that it has developed the resources of this great country to an untold extent; and that, by its conservative influences, it has elevated us in the scale of morality, wealth, enterprise, and intelligence, to a point never attained by any other people.

“As a Southern man, proud of the place of my nativity, as the owner of slaves, as conscientious of my moral obligations, I trust, as any gentleman on this floor, I hesitate not, here or elsewhere, to defend this institution, as being strictly in accordance with the principles of right, of Christian duties, and of morality, and as having the highest sanction of laws, both human and divine.”

I have not one word of comment to make on this declaration—not a word. Let it go to the people of the free North “without note or comment.” I cannot make it plainer, and I know of but one way to render it more impressive

than it now is. There is an illustrious namesake of mine, whose genius shines conspicuous in every number of the London *Punch*, who, above all men, is qualified to illustrate truths so sublime as these! Let us have an illustrated edition, upon which men shall look and be converted, whether they will or not. Some men do not seem to *feel* the power of truth, but the artist can oft times make them *see* it. Give us an illustrated edition of modern Democracy; the theme is a grand one; the materials rich!

I have shown, sir, what were the sentiments of a considerable person of the people of Georgia and Virginia in revolutionary days. And it is a matter of history, that similar views prevailed to no inconsiderable extent in the southern half of the Confederacy at that time, while at the North the feeling was widespread and almost universal. And when, after the achievement of colonial independence, the delegates of the several States met in Convention to form a National Constitution, this Anti-Slavery feeling was still strong—so strong that it carefully excluded from that Constitution “the idea that there could be property in men.” Mr. Madison thought it *wrong* to admit such an idea. It was not admitted, and neither the treaty-making power, nor the legislative power, nor the judicial power, has authority to place it there.

The Constitution was made in a better age than this, while the love of freedom and the hatred of oppression that sustained our fathers through a struggle unparalleled in the world’s history, yet glowed in their hearts, and gave character to their deeds. It was made previous to the grand discovery that African Slavery is a “divine” institution, approved of God, and destined to last forever. It was made long before the promulgation of the doctrine that Slavery is the true “corner stone of republican institutions.” The Constitution was venerable with age before it was suspected of being a Pro-Slavery instrument; and its authors had been “gathered to their fathers” before Courts and Presidents attempted by gross perversion of its true meaning to crush out Freedom and to force Slavery upon communities and States that regard it with utter loathing. Yes, it was made in a better, a more patriotic age than this—an age when the fires of Freedom, kindled during the revolutionary struggle, still brightly burned on every hill-top; when the public heart beat strong for Liberty, and the public conscience was pure and just; when Slavery was regarded as a national course, forced upon us by the then recently humbled monarch of Britain, but destined to be speedily extinguished; when, in short, politicians did not ignore precedent and truth, and justice, and conscience, nor limit their labors to the advancement of their own interests, or the up-building of a corrupt, Slavery-extension, Slavery-perpetuating, Freedom-destroying party! It was made in an age when statesmen were afraid and ashamed to acknowledge, in such

an instrument, that man might make “merchandise” of his fellow. Afraid? Yes. Said Mr. Jefferson, when contemplating the enormities of the system—

“I tremble for my country when I remember that God is just, and that his vengeance will not sleep forever!”

And there are men now, sir, that tremble for their country, and they mean to save that country which they love so well from utter subjection to the slave power. They do not mean that a sectional institution, anti-republican and anti-democratic in its every form and feature, shall be nationalized; that men everywhere shall be recognised as “merchandise,” sold like beasts in the shambles, and driven by the lash of the taskmaster to unwilling and unrequited toil! They mean that these things shall not be, save in the States where they already exist; and even there, we say, do them not in the name of the Federal Constitution! Such acts, in the name of that sacred charter of our liberties, are sacrilege! They are unpardonable political sins! No, sir; the Constitution does not make men “merchandise;” does not recognise them as “merchandise;” permits no inferences to be drawn from it that there is any analogy between “merchandise” and the bones and flesh and blood and souls of which men are made. It nowhere gives countenance to the idea that, by any possibility, can men be converted into “merchandise;” nowhere authorizes the Government to treat them as aught else than “persons,” entitled to its support and justly claiming its protection.

These Amistad Africans, then, were not only *not* “merchandise in the sense of the treaty,” but they were freemen, unjustly and illegally restrained of their liberty by lawless pirates, against whom it was their right to rise in arms, and whose overthrow at their hands was a meritorious act. Yes, sir; they did as you and I, and all others worthy to bear the name of men, would do in like circumstances; and the act was approved by the Supreme Court of the United States, and by unprejudiced men everywhere.

But even if it were true that these Africans were “merchandise in the sense of the treaty,” it was necessary, said the court—and in this the court was unquestionably right—that the claimants should show that “there had been a rescue of them on the high seas out of the hands of pirates and robbers.” This was not shown; it could not be shown. The negroes were in possession of the Amistad at the time she was boarded and captured by the United States marines. Yet, they were claimed under the treaty as “merchandise” which had been “rescued out of the hands of pirates and robbers!” They were “merchandise” one day; “pirates and robbers” the next; and again, on the third, changed to “merchandise.”

And here is a difficulty for the advocates of this indemnity scheme to solve: If these Africans were “pirates and robbers”—and unless

they were, they do not fall within the terms of the treaty, for it was out of their own "hands" that they were "rescued"—they would, by the laws of Spain, had they been delivered up to her authorities, have been subject to the death penalty, the punishment pronounced, I believe, in all countries upon those guilty of piracy. And can we for a moment suppose that in a case of robbery and piracy so aggravated as Spain has assumed to consider this, she would have failed to stringently enforce the law? Would she not have required the "pound of flesh," as "nominated in the bond?" And if so, what would the cargo of the *Amistad* have been worth to Ruiz and Montez? If the "pirates" had been hung, what would have been the fate of the "merchandise?" In this light, then, the liberation of the Africans by the Supreme Court caused no loss to their pretended owners.

Again, to bring this case within the terms of the treaty, it was indispensable for Ruiz and Montez to establish their title to the "merchandise" by "due and sufficient proof." On this point, a brief extract from the opinion of the court shall suffice. I quote from 15th Peters's report, page 593:

"It is plain beyond controversy, if we examine the evidence, that these negroes *never were the lawful slaves of Ruiz and Montez or of any other Spanish subjects*. They are natives of Africa, and were kidnapped there, and were *unlawfully* transported to Cuba, in violation of the laws and treaties of Spain, and the most solemn edicts and declarations of that Government. By those laws and treaties and edicts, the African slave trade is utterly abolished; the dealing in that trade is deemed a heinous crime; and the negroes thereby introduced into the dominions of Spain are declared to be free. Ruiz and Montez are proved to have made the pretended purchase of these negroes with a full knowledge of all the circumstances; and so *cogent and irresistible* is the evidence in this respect, that the district attorney has *admitted, in open court, upon the record*, that these negroes were native Africans, and recently imported into Cuba, as alleged in their answers to the libels in the case. The supposed proprietary interest of Ruiz and Montez is *completely displaced*, if we are at liberty to look at the evidence or the admissions of the district attorney."

Again, the court says, on page 596:

"Upon the merits of the case, then, there does not seem to us to be any ground for doubt that these negroes ought to be deemed free, and that the Spanish treaty interposes no obstacle to the just assertion of their rights."

Such, sir, was the view taken of this subject by the Supreme Court of the United States in 1841. The opinion of the court was delivered by Judge Story, who has had few equals, and no superiors, as an expounder of law, in this or other lands; and there was great unanimity of opinion among the members of the court, only one—Mr. Justice Baldwin—dissenting; a unity of sentiment that did not exist in the *Dred Scott* case, which gentlemen on the other side regard as a final and unquestionable settlement of an important principle. And it is beyond dispute that the President regards the action of the court in the latter case as *final*. Thus, speaking in his late message of the slaves now in Kansas, he says:

"These slaves were brought into the Territory under the Constitution of the United States, and are now the property of their masters. This point has at length been

finally decided by the highest judicial tribunal of the country."

Now, it is a fair inquiry, why the President should view these two decisions of the Supreme Court in lights so very different? Surely no one will pretend that there was less legal acumen, less soundness of judgment, less honesty of purpose, in the court of 1841, than in the court of 1857. No one would dare so wickedly to wrong the illustrious dead. There must be some other potent reason why the Executive "earnestly recommends" Congress to disregard or overthrow the decision in the *Amistad* case, and in the same document pronounces the *Dred Scott* decision "final." Nor is it difficult to discover what that reason is. The former is an Anti-Slavery decision, the latter Pro-Slavery. The one preserved Freedom to some fifty Africans; the other entails or is designed to entail Slavery upon countless thousands. The one was made in the spirit that governed public men in the better days of the Republic; the other was an unholy attempt to give a solemn judicial sanction to those ultra Pro-Slavery interpretations of the Constitution, which, although of recent origin, have already deeply stained the soil of one fair Territory with the blood of many freemen, and have shaken the very foundations of the Union itself. The one was in accordance with the genius of our republican institutions, and in harmony with the principles of our religion and the feelings of good men throughout the world; the other did gross violence to the Constitution of our country, gross injustice to the wise and patriotic men who framed it, and the equally wise and upright jurists who had so long interpreted it in a manner favorable to free labor and free men; and last, but not least, gross violence to the humane feelings, and gross despite to the common sense of nine-tenths of the civilized portion of the great brotherhood of man.

It is humiliating to my pride as an American citizen to say it, (and I earnestly wish it were not true,) but I see no other, I can discover no other reason for the alacrity and earnestness with which the President hurries to conclusions so directly opposite, with reference to the respect due these two decisions of the same judicial tribunal. The slave power, "the power behind the throne," willed it, and at once its will was recognised as law. The Chief Executive of the nation yielded a ready and willing obedience. He recognised this extra-judicial opinion of a majority of the Justices of the Supreme Court as the "final" settlement of a grave national political question.

Notwithstanding the court had admitted its want of jurisdiction over this very case; notwithstanding the opinion given overturned previous decisions, made under more auspicious circumstances, and acquiesced in by the people and all the departments of the Government through a long series of years; notwithstanding the sectional, partisan, anti-republican

character of the opinion itself; notwithstanding it overthrew doctrines which the President had himself held and advocated with zeal and ability at an earlier period of his life; and notwithstanding the notorious fact that this opinion was opposed and logically demolished, utterly annihilated, by two of the ablest Justices on the bench—notwithstanding all these things, which should certainly have made the Executive at least a little cautious, he receives it with a hearty amen, pronounces it “final,” and declares it a “mystery” how the doctrines advanced “could ever have been seriously doubted.”

And then, as before stated, he “earnestly recommends” Congress to overrule the decision in the *Amistad* case, and pay Ruiz and Montez for negroes whom they never owned. Am I not right in saying that this can only be explained by looking at the “power behind the throne?” What other motive but a desire to conciliate that power could have induced the President to make this remarkable recommendation? But here, it seems to me, he went even farther than was necessary to prove his fealty to Slavery; for his position on Kansas affairs places him first on the list of champions of that very peculiar institution. It proves the truth of all that his Southern friends urged in his behalf during the canvass that preceded his election, and equally demonstrates the falsity of the positions assumed by his supporters in the free States. Why, sir, a leading Southern journal, the *Richmond Enquirer*, declared that his record “disclosed a consistency and an efficiency of service to the South, which flattery could claim for no other living man;” and that he “never gave a vote against the interests of Slavery, nor uttered a word that could pain the most sensitive Southern heart!” How completely has he met the expectations of his Southern friends! His “consistency and efficiency of service” in their behalf continues, and their “sensitive hearts” have not yet been pained by any word or act of his!

But how is it at the North? We were everywhere told in that section of the Union that Mr. Buchanan was a Northern man; that his sympathies were with those who were striving to make Kansas a free State; and that, if elected, no “aid and comfort” would be extended by him to the ruffian horde that had sought, by fraud and force, to introduce this heartless despotism, in opposition to the will of a large majority of the people. Why, sir, the watchwords of his friends in the North were, “Buchanan and free Kansas!” Well, they secured Buchanan, but not yet have they secured Freedom to Kansas; nor is the prospect very encouraging that he whose name was thus linked with this important measure is at all likely to promote its success. On the contrary, so open, bold, and utterly indefensible and inexcusable, has been his course upon this most important of all questions now before the American people,

that the very men who elevated him to the Presidency turn away, chagrined and disgusted, and shake off the dust of their feet as a testimony against him. Well may the President, well may his deluded and distracted followers, well may every Democrat who formerly advocated the good old Jeffersonian doctrine of the Wilmot Proviso, exclaim, in that bitterness of heart which the prospective utter ruin of their party must cause—

“Oh! what a tangled web we weave,
When thus we practice to deceive.”

Tangled and intricate, indeed, are the results which have grown out of the repeal of the Missouri compromise, and the specious and delusive cry of “popular sovereignty,” by means of which that repeal was secured.

Yet the political troubles that now distract and threaten our country are not remediless. The disinterested patriotism, the devotion to country, the reverence for justice, the regard for human rights, which animated the founders of the Government, now warming the hearts and controlling the acts of People, President, and Congress, would lead to a speedy and easy solution of all our difficulties, give peace and repose to the country, and security to all within its borders.

We of the free States, sir, are not unreasonable. Indeed, we are very modest in our demands. We ask only that the rights guaranteed to us, “the people of the United States,” by the Constitution, and conceded to us during the earlier years of the Republic, be restored. We ask that the Constitution be interpreted in the same spirit in which it was made—that it be construed as the “charter of Liberty,” not as the bulwark of Slavery. We demand that Slavery be confined to the States in which it already exists; and that, as a State institution, it rely solely on State support, neither seeking nor receiving “aid and comfort” from the General Government. We demand that *all* the Territories, and this District of Columbia, be purged of this blighting curse, and that Northern freemen be no longer required to join the chase for fugitive slaves. We demand, in short, *the complete denationalization of Slavery*. “No Slavery outside of the present slave States;” is our motto.

With Slavery in the States where it exists we do not propose to interfere; but we are unalterably pledged against its further extension. We shall contest its onward march at every step. We shall write it down, print it down, preach it down, vote it down. We are in earnest, sir, in this matter, and we *know* that we shall triumph, for truth is omnipotent. God and the hearts of the people are with us; and though the struggle may be long and fearful, the final result is as certain as the continuance of time. We shall labor on, regardless alike of smiles of derision or frowns of defiance. We trust we love our common country and the Union of these States as well, at least, as other

men; but we love our country's freedom and the ESSENTIAL RIGHTS OF MAN better still. Peace we love, but we do not desire it at the expense of our inalienable rights; yet we believe peaceful remedies are best, and that by such remedies all our political maladies may be healed. We design to use them, and them only. We have faith in their efficiency, and in them we trust.

But if we, or our kindred and fellow-citizens in the Territories, cannot have peace without a base and dishonorable submission to the slave oligarchy, then we do not desire it. If money contributed by Northern men is to be drawn from the Federal Treasury to reward Spanish pirates for their deeds of blood; if from the same national fund millions are to be annually drawn to sustain, perpetuate, and extend, this most odious of despotisms; if we are to join in the pursuit of fugitive slaves on our own free soil, or, for refusing so to do, are to be robbed of our substance and rot in prison; if our mouths are to be closed and our presses silenced anywhere beneath the stars and stripes; if the rights of the States are to be disregarded, and institutions which we hate unceremoniously thrust upon us; if all the Departments of the Government are to make the diffusion and perpetuity of this "sum of all villainies" the primary object of their labors; if the poisoned political chalice is to be thus constantly pressed to our lips; if *all* that we hold dear is to be laid upon the bloody altar of Slavery—I can only say, that when these wrongs have reached a point no longer tolerable, the freemen of the land will rise in their strength and remove them, "peaceably if possible, forcibly if necessary."

These, sir, are not idle words. They but express what I know to be an earnest and deep-seated feeling among the masses of intelligent and thinking men throughout the free States. Most certainly they are the sentiments of the *nineteen thousand* freemen by virtue of whose votes I have the honor of a seat on this floor.

We feel, sir, that the point where forbearance ceases to be a virtue, is almost reached. It is very near; and I warn gentlemen to beware how they press these indignities home upon the freemen of the North henceforth. I know the strength of the Government, and that its power is now in your hands. The President is with you; the Congress is yours; the Supreme Court is ready to do your bidding; and the

hungry cormorants that feed and fatten at the public crib, bow in abject submission, and reverently execute the will, whatever it may be, of those who hold the keys of the Federal Treasury.

But there is, back of all these paid advocates of wrong, a power, compared with which they are but as a withered leaf before the rushing whirlwind. Yes, sir; the people are a power before which Presidents, and Congresses, and Courts, with all their pampered retainers and fawning sycophants, dwindle into contemptible littleness. Let those who choose to insult their intelligence, outrage all the better feelings of their nature, and trample ruthlessly upon their dearest rights, look well to the future, and prepare for a reckoning which will surely come, and which, from present indications, cannot be long delayed. To-day, you have the power, and may do what you will. You may give these Spanish pirates \$50,000 from the people's Treasury if you choose; but let me tell you, gentlemen, it will add as many thousand voters to the party of Freedom in the North and West. And every aggressive act upon our constitutional and reserved rights will have a like effect. The harder you press us, the speedier and more complete will be our triumph, and the more ignominious your overthrow. Choose, then, your course; but remember the impending settlement you have to make with the *three million* voters in the free States of this Union.

In conclusion, sir, I have but to add, that if this appropriation, so "earnestly recommended," is to be made, if some fifty thousand dollars are to be drawn from the Treasury to settle this Amistad affair, I, for one, shall insist upon its going to the parties who were the only ones wronged in that transaction. I shall insist upon its payment to the Africans who so gallantly rescued the ship from the Spanish pirates, and whose property it thence became. They had a right to the Amistad, for they captured it from outlaws. It was legally and equitably theirs; and when they were liberated by the court, the property which their valor had won should have been placed at their disposal. The wrongs which these unfortunate men suffered were irreparable; we cannot fully right them now; but do not let us add insult to injury, and disgrace ourselves in the eyes of all Christendom, by rewarding their oppressors, and setting the seal of our official approbation upon an act of inexcusable and unmitigated piracy.

WASHINGTON, D. C.

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